

Calendar No. 819

91ST CONGRESS }
2d Session }

SENATE

{ REPORT
No. 91-812

CAL C. DAVIS AND LYNDON A. DEAN

APRIL 30, 1970.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 2427]

The Committee on the Judiciary, to which was referred the bill (S. 2427) for the relief of Cal C. Davis and Lyndon A. Dean, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to relieve Cal C. Davis and Lyndon A. Dean of all liability for payment to the United States of the sum of \$12,441.87, representing cash and stamps in their custody as superintendent and clerk, respectively, of the Granger-Hunter Branch of the Salt Lake City Post Office, which were taken from the branch office in a burglary occurring the night of March 17, 1966.

STATEMENT

The Post Office Department has no objection to the enactment of this bill.

In its favorable report of the bill, the Post Office Department relates the facts of the case as follows:

On March 15, 1966, 2 days before the burglary, Superintendent Davis received a photostatic copy of a letter addressed to all postmasters by the Postal Inspector in Charge in Denver concerning the securing of safes and vaults. That letter in-

structed postmasters to turn the dials at least two complete rotations in each direction to insure that safes and vaults would be completely locked. Affidavits state that Superintendent Davis on that day discussed the letter with Clerks Dean and Gay B. Jowers and that they read those portions of the letter that outlined the procedure for locking vaults.

On the evening preceding the burglary, Clerks Dean and Jowers closed the office as had been their usual custom. Clerk Dean, who was officially assigned to close the branch office, locked the vault and the building and checked to see that they were secure.

However, subsequent investigation revealed that Clerk Dean had succeeded only in placing the vault on "day lock." This conclusion was reached by the foreman of maintenance, an expert on safes and vaults, after Clerk Dean demonstrated the operations actually performed by him on the evening preceding the burglary.

Clerk Dean, a veteran with limited wrist action caused by injuries suffered by him in World War II, turned the dial to the right as far as his wrist would allow, then spun the dial to the left. The maintenance foremen stated that on this particular vault, from the point on the dial where the bolt had fallen into the fence, the dial would have to be turned to the right farther than Clerk Dean was able to turn it in order to engage the second tumbler. If the second tumbler is not engaged, a turn of the dial to the left allows the bolt to drop into the fence since none of the tumblers have been engaged. Consequently, since Clerk Dean was unable to twist the dial enough to the right to engage the second tumbler, the subsequent spin to the left dropped the bolt once again into the fence, thus placing the vault on "day lock."

Neither Superintendent Davis nor Clerk Dean is an irresponsible person. Both are conscientious, loyal, constructive, and highly valued employees of the Post Office. Superintendent Davis has submitted more profitable suggestions for which he has received awards than has any other employee of the Salt Lake City Post Office. Clerk Dean has received one of the highest cash awards ever given in the Salt Lake City Post Office for a beneficial suggestion which resulted in a major savings at the Granger-Hunter branch. Superintendent Davis and Clerk Dean have never been guilty of placing any consideration above the welfare of the Post Office through the many years they have been in our employ.

Since the burglary, Superintendent Davis has suffered an acute heart attack and we are informed that any attempt at collecting the loss from him at this time would be most injurious to his health, especially since he appears to be blameless with respect to his duties concerning this matter.

Further, to attempt to satisfy this loss solely from Clerk Dean would be unjust.

In view of the foregoing this Department would have no objection to the enactment of this legislation.

In agreement with the equitable reasoning of the Post Office Department, the committee believes that the bill, S. 2427, is meritorious and recommends it favorably.

Attached hereto and made a part hereof is a letter from the Post Office Department, dated October 20, 1969.

POST OFFICE DEPARTMENT,
Washington, D.C., October 20, 1969.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for a report on S. 2427, a bill for the relief of Cal C. Davis and Lyndon A. Dean.

This bill would relieve the aforementioned of all liability for payment to the United States of the sum of \$12,441.87, representing cash and stamps in their custody as superintendent and clerk, respectively, of the Granger-Hunter Branch of the Salt Lake City Post Office, which were taken from the branch office in a burglary occurring the night of March 17, 1966.

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Further, to attempt to satisfy this loss solely from Clerk Dean would be unjust.

In view of the foregoing, this Department would have no objection to the enactment of this legislation.

The Bureau of the Budget has advised that there is no objection to the submission of this report to the committee from the standpoint of the administration's program.

Sincerely,

DAVID A. NELSON,
General Counsel.

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